

National Labor Relations Board
OFFICE OF THE GENERAL COUNSEL
Advice Memorandum

DATE: January 30, 1998

TO: Richard A. Siegel, Acting Associate General Counsel, Division of Operations Management

FROM: Barry J. Kearney, Associate General Counsel, Division of Advice

SUBJECT: Park Management Corp., d/b/a Marine World/Africa U.S.A., Case 20-CA-27737

This is in response to your memorandum dated January 15, 1998 in which you advised us that "Park Management does not provide sufficient evidence of a 'plan to retain all' and thus is not an attractive vehicle for arguing the Oakwood theory. You wanted to make sure that your conclusion was consistent with the Advice memorandum in Aramark,⁽¹⁾ which advised that "in future cases containing no basis for an argument that there is a violation under the Spruce-Up test, we nevertheless would make the Oakwood argument standing alone given sufficient evidence of a "plan to retain all."

Given your above conclusion Aramark does not preclude dismissal in the instant case.

B.J.K.

¹ Case 20-CA-27826, Advice Memorandum dated December 5, 1997.